

AN ORDINANCE TO AMEND CHAPTER 48 OF THE WILMINGTON CITY CODE REGARDING MULTI-FAMILY CONVERSIONS.

#3950

Sponsor:

Council
Member
Prado

WHEREAS, Council of the City of Wilmington (the “Council”) has enacted the provisions of Chapter 48 of the Wilmington City Code (the “Zoning Code”) setting forth regulations related to zoning; and

WHEREAS, Council in 2002 approved Ordinance No. 02-094, which added subsections 48-67(f) and (g) to Chapter 48 of the Zoning Code; and

WHEREAS, subsections 48-67(f) and (g) set forth certain requirements for the conversion of single-family to multi-family dwellings; and

WHEREAS, the intent of subsections 48-67(f) and (g) is to require all single-family to multi-family conversions to be reviewed and approved by the Zoning Board of Adjustment (“ZBA”); and

WHEREAS, the relevant “Permitted Use” sections of the Zoning Code were not, but should have been, amended to reflect the amendments made by subsections 48-67(f) and (g), which is in the “Administration and Enforcement” section of the Zoning Code, thereby creating an inconsistency in the Zoning Code; and

WHEREAS, Council, upon recommendation of the City Planning Commission, desires to amend the appropriate Zoning Code provisions in order to reflect that all applications for single-family to multiple family conversion require ZBA approval.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 48, the Zoning Code, is hereby amended at Section 48-133 (R-2-A districts) by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 48-133. - R-2-A districts. One-family detached and semi-detached dwellings with conversions.

- (a) *Purpose.* The R-2-A district, one-family detached and semidetached dwellings with conversions, is designed to preserve certain areas which were originally developed with one-family detached dwellings and one-family semidetached dwellings, in which some such buildings have been converted for the use of two or more families, and which areas constitute an irreplaceable part of the city's limited supply of fine residential housing. It would retain the general one-family detached and semidetached character of these areas, permitting conversions for an additional family or families with zoning board of adjustment approval. New apartment houses with not more than two families on each story are also permitted.

...

- (c) *Uses permitted as matter of right.*

...

- (8) A two-family dwelling, [~~either~~] in the form of a new building [~~or through conversion of an existing one-family dwelling for the use of two families~~]; provided, that there shall be a lot area of not less than 2,500 square feet and a gross floor area of not less than 2,000 square feet.
- (9) The conversion of a building housing [~~one or~~] two families to an apartment house or the creation of additional units in an apartment house; provided, that:

- (d) *Uses permitted under zoning board of adjustment approval.*

...

- (6) A two-family dwelling, through conversion of an existing one-family dwelling for the use of two families; provided, that there shall be a lot area of not less than 2,500 square feet and a gross floor area of not less than 2,000 square feet. (See Section 48-67).

(7) The conversion of a building housing one family to an apartment house (See Section 48-67); provided that:

- a. There shall be a lot area of not less than 1,000 square feet per family;
- b. There shall be a livable floor area, excluding common halls and stairways, of not less than 800 square feet per family; and
- c. There shall not be more apartments than the number of stories in each building.

SECTION 2. Chapter 48 is hereby amended by adding the underlined language to Section 48-135 (R-4 districts) so that it reads as follows:

Sec. 48-135. - R-4 districts. Row houses with conversions.

- (a) *Purpose.* The R-4 district, row houses with conversions, is designed to include those areas which were originally developed with one-family row houses but where many such buildings have been converted for the use of two or more families. It would retain the general row house character of these areas, permitting conversions for an additional family or families only if approved by the zoning board of adjustment. To encourage assembly and rebuilding, new apartment houses with not more than two families on each story are permitted. Some institutions excluded from the one-family districts are permitted.

...

- (d) *Uses permitted under zoning board of adjustment approval.*

...

- (3) A two-family dwelling, either in the form of a new building or through conversion of an existing one-family dwelling for the use of two families (See Section 48-67 if converting from single to multi-family); provided that:
- (4) The conversion of a three-story building housing one or two families for the use of more than two families (See Section 48-67 if converting from single to multi-family); provided, that:

SECTION 3. Chapter 48 is hereby amended by adding the underlined language to Section 48-137 (R-5-A-1 districts) so that it reads as follows:

Sec. 48-137. - R-5-A-1 district.

...

(c) *Uses permitted as matter of right.* The following uses are permitted as a matter of right:

...

- (2) Apartment houses without limit as to the number of families to be accommodated, excluding the conversion of one-family dwellings; provided, that:

SECTION 4. Chapter 48 is hereby amended by deleting the stricken language and by adding the underlined language to Section 48-138 (R-5-B districts) so that it reads as follows:

Sec. 48-138. - R-5-B districts. Medium Density.

...

(c) *Uses permitted as a matter of right.*

...

- (3) Apartment house without limit as to the number of families to be accommodated~~[-]~~, provided that the building is not a converted single family dwelling.

(d) *Uses permitted under zoning board of adjustment approval.*

...

- (13) Apartment house created by the conversion of a one-family dwelling or a two-family dwelling for the use of additional families if there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways provided

(See Section 48-67 if converting from single to multi-family), that:

SECTION 5. Chapter 48 is hereby amended by adding the underlined language to Section 48-339 (W-4 districts) so that it reads as follows:

Sec. 48-339. - W-4 district.

...

(b) *Uses permitted as a matter of right.* The following uses are permitted as a matter of right:

- (1) Single-family and multifamily residential use, excluding detached single-family dwellings and the conversion of one-family dwellings, but including bed and breakfast guest facilities as provided in section 48-193.

SECTION 6. Chapter 48 is hereby amended by deleting the language within brackets and by adding the underlined language to Section 48-191 (C-1 districts) so that it reads as follows:

Sec. 48-191. - C-1 districts.

...

(c) *Uses permitted as matter of right.* The following uses are permitted as a matter of right; provided that not more than two amusement devices shall be located on the premises:

...

- (2) The conversion of a three-story building housing [~~one or~~] two families for the use of more than two families; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways.

(d) *Uses permitted under zoning board of adjustment approval.*

...

(7) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 7. Chapter 48 is hereby amended by deleting the language within brackets and by adding the underlined language to Section 48-192 (C-1-A districts) so that it reads as follows:

Sec. 48-192. - C-1-A districts.

...

(c) *Uses permitted as matter of right.* The following uses are permitted as a matter of right:

...

(2) The conversion of a three-story building housing ~~[one or]~~ two families for the use of more than two families; provided, that there shall be a lot area of not less than 1,000 square feet per family and that each individual apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways.

(d) *Uses permitted under zoning board of adjustment approval.*

...

(7) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 8. Chapter 48 is hereby amended by adding the underlined language to Section 48-193 (C-2 districts) so that it reads as follows:

Sec. 48-193. - C-2 districts.

...

- (d) *Uses permitted under zoning board of adjustment approval.*

...

(5) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 9. Chapter 48 is hereby amended by adding the underlined language to Section 48-195 (C-3 districts) so that it reads as follows:

Sec. 48-195. - C-3 districts.

...

- (d) *Uses permitted under zoning board of adjustment approval.*

...

(2) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 10. Chapter 48 is hereby amended by adding the underlined language to Section 48-196 (C-4 districts) so that it reads as follows:

Sec. 48-196. - C-4 districts.

...

- (d) *Uses permitted under zoning board of adjustment approval.*

...

(2) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 11. Chapter 48 is hereby amended by adding the underlined language to Section 48-197 (C-5 districts) so that it reads as follows:

Sec. 48-197. - C-5 districts.

...

- (d) *Uses permitted under zoning board of adjustment approval.*

...

(4) The conversion of a three-story building housing one family for the use of more than one family; provided, that there is a lot area of not less than 1,000 square feet per family and each apartment or dwelling unit shall consist of not less than 600 square feet of livable floor area, excluding common halls and stairways. (See Section 48-67).

SECTION 12. If any section or portion of this ordinance is found to be invalid such finding shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect.

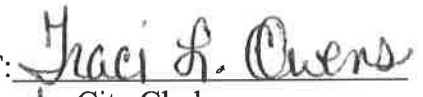
SECTION 13. This ordinance shall be deemed effective upon its passage by Council and approval by the Mayor.

First Reading.....July 3, 2014
Second Reading.....July 3, 2014
Third Reading..... August 21, 2014

Passed by City Council,
August 21, 2014



President of City Council

ATTEST: 

Deputy City Clerk

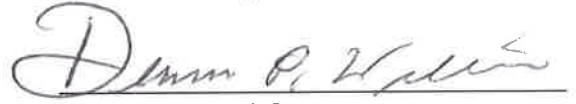
Approved as to form this 1st day of
July, 2014



Assistant City Solicitor

Approved this 28 day of

28 Aug, 2014



Mayor

SYNOPSIS: This ordinance amends Chapter 48 of the Zoning Code to correct an existing inconsistency so that all applications to convert single-family dwellings to multi-family dwellings will now require approval by the Zoning Board of Adjustment.